

ZB# 05-20

Catherine Perraino

58-1-5

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 5-23-05

ZBA # **05-20** CATHERINE PERAINO
(AREA) 275 LAKE RD (58-1-5)





NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 58-1-5

In the Matter of the Application of

CATHERINE PERAINO

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-20

WHEREAS, Catherine Peraino, owner(s) of 275 Lake Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 17' Rear Yard Setback for existing addition at 275 Lake Road in an R-4 Zone (58-1-5)

WHEREAS, a public hearing was held on May 23, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The purpose of this application is so that the applicant can acquire a Certificate of Occupancy for an extension which was actually put on the premises approximately thirty (30) years ago.
 - (c) The extension contains a laundry room, bathroom and deck.

- (d) In constructing the extension, the applicant did not remove any trees or substantial vegetation.
- (e) In constructing the extension, the applicant did not create the ponding or collection of water or divert the flow of water drainage.
- (f) Since the extension has been placed, there have been no complaints, either formal or informal, about the extension.
- (g) With the extension, the premises is similar in size to other homes in the neighborhood and consistent with the character of the neighborhood.
- (h) The extension is not on top of, nor does it interfere with, any easements including, but not limited to, water, sewer and electric easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

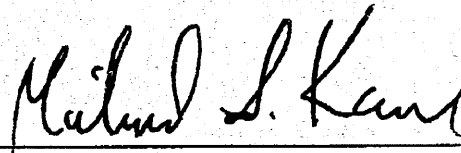
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 17' Rear Yard Setback for existing addition at 275 Lake Road in an R-4 Zone (58-1-5) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: May 23, 2005

A handwritten signature in cursive script, reading "Michael S. Kane", is written over a horizontal line.

Chairman



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

August 23, 2005

Catherine Peraino
275 Lake Road
Salisbury Mills, NY 12577

SUBJECT: REQUEST FOR VARIANCE #05-20

Dear Ms. Peraino:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: August 13, 2004

APPLICANT: Michael & Catherine Peraino
275 Lake Road
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: August 4, 2004

FOR : Existing Addition

LOCATED AT: 275 Lake Road

ZONE: R - 4 Sec/Blk/ Lot: 58-1-5

COPY

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing attached addition 16' x 32'/24' x 16' does not meet minimum 40' rear yard set-back.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE: Bulk Tables 7-G

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40' 23' 17'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be inspected after correction.

RECEIVED

AUG 04 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2004-1075

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises Catherine Perrine Call in the Afternoon.
X Address 275 Lake Road Salisbury, N.Y. 12577 Phone # 496-3396
X Mailing Address " Fax # _____
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer) _____

1. On what street is property located? On the _____ side of _____
(N,S,E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 58 Block 1 Lot 5

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? No Existing Side Addition 16x32

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories one

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

ZONING BOARD

OK'd. by
Mun. Board
7/13/14

10. Estimated cost _____ Fee \$50.00

ck# 2087

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X Catherine Perraine
(Signature of Applicant)

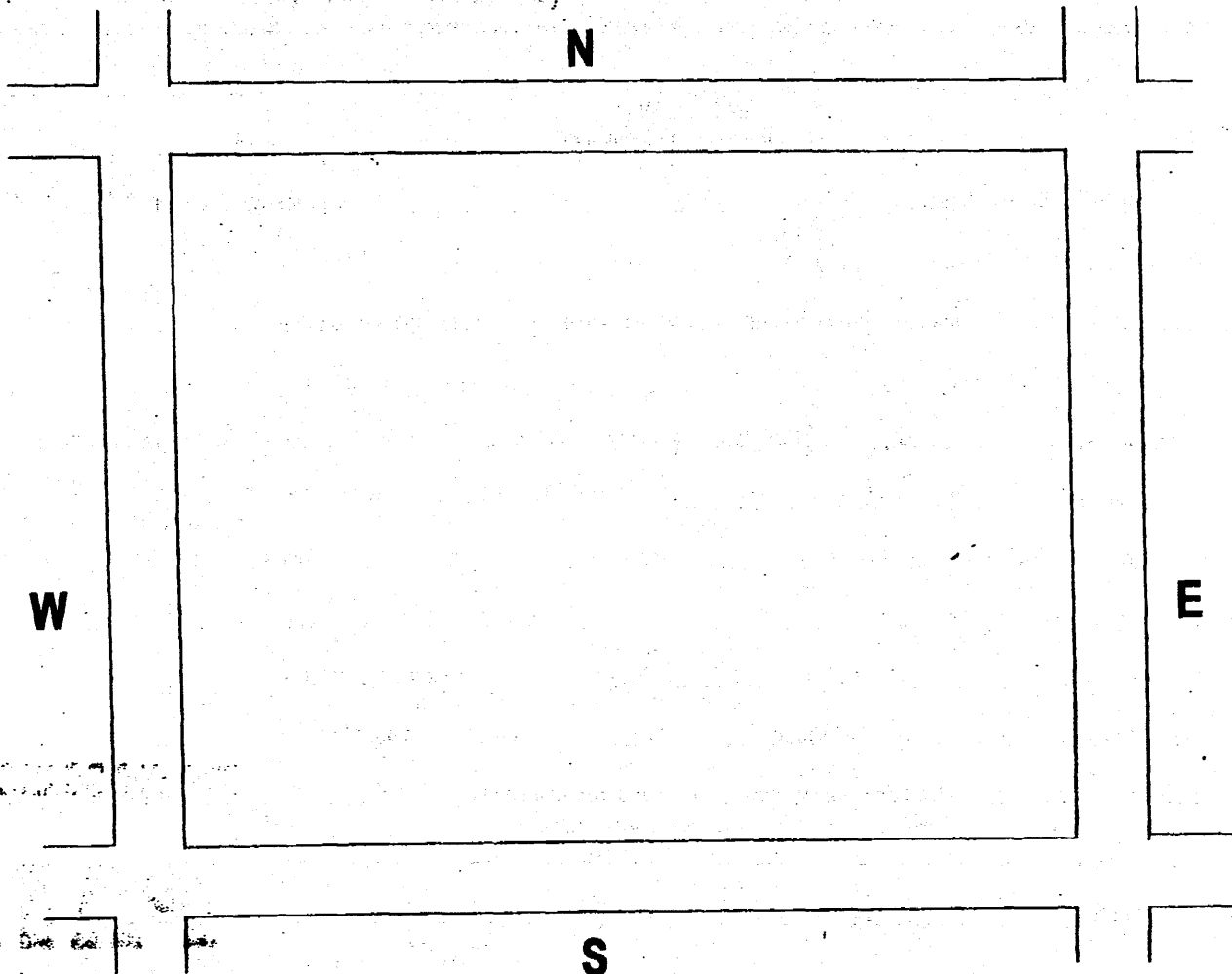
(Address of Applicant)

X Same
(Owner's Signature)

(Owner's Address)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Survey of Property of Michael Peraino

Town of New Windsor ~ Orange County, N.Y.

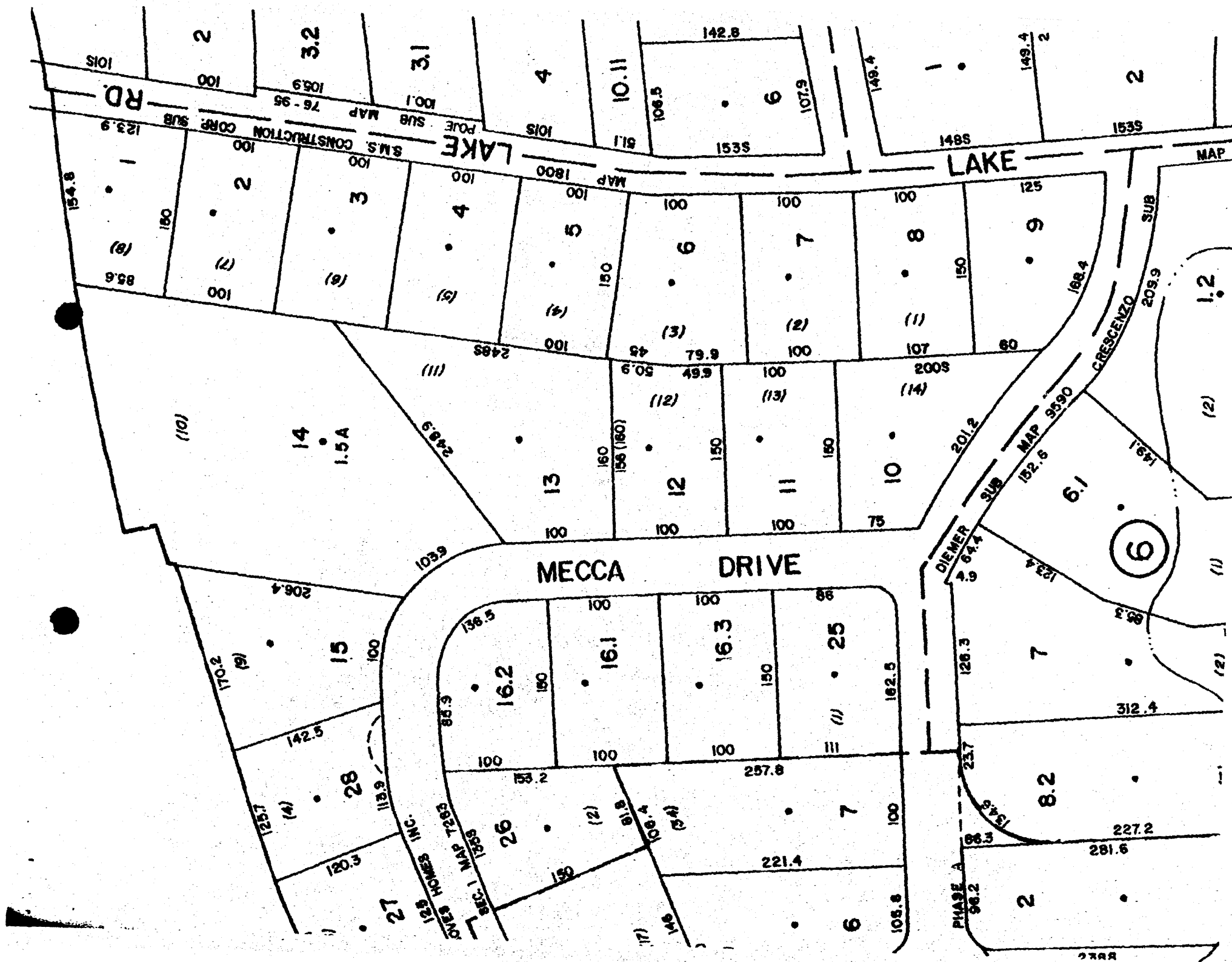
Scale 1" = 20'

11 July 1974

area = 15,000 S.F.

Tax Map Data:
Sec. 58
Bk. 1
Parcel 5





**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JULY 18, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 158.69 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-20

NAME & ADDRESS:

**Catherine Peraino
275 Lake Road
Salisbury Mills, NY 12577**

THANK YOU,

MYRA

L.R.7-18-2005



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #05-20 TYPE: AREA TELEPHONE: 496-3396

APPLICANT:

Catherine Peraino
275 Lake Road
Salisbury Mills, NY 12577

RESIDENTIAL:	\$ 50.00	CHECK # <u>2217</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 2218



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 05-09-05 \$ 43.81

TOTAL:	\$ <u>71.31</u>	\$ <u>70.00</u>
--------	-----------------	-----------------



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 141.31

AMOUNT DUE: \$ _____

REFUND DUE: \$ 158.69

Cc:

L.R. 7-18-2005

May 23, 2005

17

CATHERINE PERAINO (05-20)

Ms. Catherine Peraino appeared before the board for this proposal.

MR. KANE: Request for 17 foot rear yard setback for existing addition at 275 Lake Road. Tell us again what you want to do.

MS. PERAINO: This is an extension put on about 30 years ago in the back, it doesn't interfere with anything, it's a laundry room, bathroom and deck but it's--

MR. KANE: So the addition we're looking at is about approximately 30 years old?

MS. PERAINO: Yes.

MR. KANE: Cutting down any trees?

MS. PERAINO: No.

MR. KANE: Create any water hazards or runoffs?

MS. PERAINO: No.

MR. KANE: Any complaints formally or informally about it?

MS. PERAINO: No, never.

MR. KANE: The addition, with the addition on this it keeps the home similar in size and nature to other homes that are in the neighborhood?

MS. PERAINO: Yes.

MR. KANE: You're on town water and sewer?

MS. PERAINO: No, just sewer, we're on well.

MR. KANE: It's been about 30 years but I've got to ask the question, not over any easements?

MS. PERAINO: No.

MR. KANE: You guys have any questions at the moment?

MS. GANN: No.

May 23, 2005

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MR. KANE: At this point, I'll ask if there's anybody in the audience for this particular hearing? Nobody cares. We'll close the hearing.

MS. MASON: On May 9, I mailed out 44 envelopes and had no response.

MR. KANE: Any further questions? I'll accept a motion.

MS. LOCEY: I'll offer the motion to approve the request from Catherine Peraino for a 17-foot rear yard setback for an existing addition at 275 Lake Road in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

April 25, 2005

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CATHERINE PERAINO (05-20)

Ms. Catherine Peraino and Ms. Mary Ann Massina appeared before the board for this proposal.

MR. KANE: Request for 17' rear yard setback for existing addition at 275 Lake Road. Tell us what you want to do.

MS. MASSINA: They just want to know about the extension.

MR. KANE: It's been there over 30 years?

MS. PERAINO: Yes.

MR. KANE: Any complaints about it formally or informally?

MS. PERAINO: Not from anybody and it doesn't infringe on anybody's property.

MR. KANE: Were you there when the addition was built?

MS. PERAINO: Yes.

MR. KANE: Do you remember was there any cutting down of trees or substantial vegetation?

MS. PERAINO: No, nothing.

MR. KANE: No water hazards?

MS. PERAINO: No.

MR. KANE: Questions I have to ask.

MS. PERAINO: That's okay.

MR. KANE: So no water problems?

MS. PERAINO: No.

MR. KANE: And there are no easements in this area, you on Town water and sewer?

MS. MASSINA: We're on sewer but it's well water.

MR. KANE: There's no easements going through where the addition is?

MS. PERAINO: No.

MR. KANE: The top one is the addition, you guys have pictures?

MR. REIS: Yes.

MR. KANE: With the addition, it's still similar in size to other homes that are in your neighborhood?

MS. MASSINA: Yes, yes, mine is smaller but the one next door to me is.

MR. KANE: It's not oversized for that particular area?

MS. MASSINA: No.

MR. KRIEGER: It's similar not identical?

MS. MASSINA: Right, similar.

MR. KANE: Any other questions?

MR. KANE: Just so we have to do this again for the public hearing that's when it makes it legal and the board will make its decision at that point. If the variance is approved you still, the addition still has to meet all the requirements from the building inspector so he will come in and check the electric and

April 25, 2005

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make sure everything is up to code, he'll take care of it when he comes. We'll vote and we'll tell you what she has to do.

MR. MC DONALD: Accept a motion?

MR. KANE: Yes.

MR. MC DONALD: Make a motion we grant Miss Peraino a public hearing for request for 17 foot 3 yard setback for the existing addition at 275 Lake Road in an R-4 zone.

MS. LOCEY: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: What we just did is we set you up, by law, you have to do a public hearing, so what we did was we got preliminary information here from you and there's nothing here that's outstanding or difficult, so now you'll come back and do the same thing after you meet all the requirements on that page. If you have any questions, give Myra a call.

MS. MASSINA: I will, thanks, thanks very much.



RESULTS OF Z.B.A. MEETING OF: May 23, 2005

PROJECT: Catherine Peraino ZBA # 05-20
P.B.#

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y____N____
REIS _____
KANE _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M)____S)____ VOTE: A____ N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED: M) L S) G VOTE: A N .

GANN A
LOCEY A
BROWN A
~~MCDONALD~~ _____
REIS A
KANE A

CARRIED: Y ✓ N _____

[illegible]

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

CATHERINE PERAINO

**AFFIDAVIT OF
SERVICE
BY MAIL**

#05-20

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 9TH day of MAY, 2005, I compared the 44 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

____ day of _____, 20____

Notary Public

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

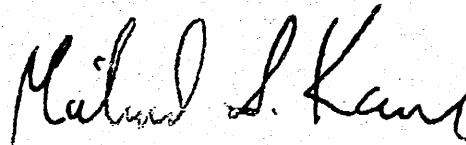
Appeal No. 05-20

Request of CATHERINE PERAINO

for a VARIANCE of the Zoning Local Law to Permit:

Request for 17' Rear Yard Setback for existing addition at 275 Lake Road in an R-4 Zone (58-1-5)

PUBLIC HEARING will take place on MAY 23, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

TOWN OF NEW WINDSOR**ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-20
Request of CATHERINE PERAINO
Request for a VARIANCE of the Zoning Local Law
to Permit
Request for 17' Rear Yard Setback for existing addition
at 275 Lake Road in an R-4 Zone (58-1-5)

PUBLIC HEARING will take place on MAY 23, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

Ad Number: 1755285 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODRIL Date: 05/03/2005 Assigned Sales: TOWNOFNEWWINDSOR ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THH Paper: IN Class: 999X

Schedule: Start Date - 05/09/2005 End Date - 05/09/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 23.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 43.81 Payment Method: B1 Amount Paid: 0 Amount Owed: 43.81

PriceMethod: 0 (0=Normal, 1=User Met, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

RECEIVED
MAY 12 2005
TOWN OF NEW WINDSOR
COMMISSIONER'S OFFICE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

April 26, 2005

Catherine Peraino
275 Lake Road
Salisbury Mills, NY 12577

Re: 58-1-5 ZBA#: 05-20 (44)

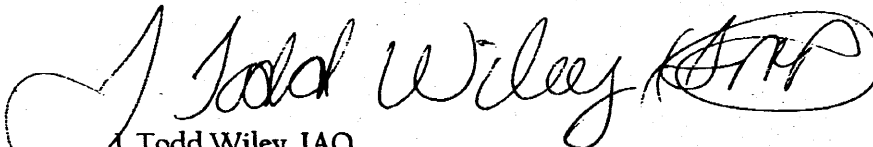
Dear Ms. Peraino:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

999-1-128
Pennsylvania Lines LLC
c/o Norfolk Southern Railway Co.
110 Franklin Road SE
Roanoke, VA 24042

57-1-39.22
Francis & EmmaJean MacPherson
1 Vidi Drive
Salisbury Mills, NY 12577

58-1-1
Porfirio Matos
Ken Fuentecilla
291 Lake Road
Salisbury Mills, NY 12577

58-1-2
Joseph & Amy Ryan
219 Lake Road
Salisbury Mills, NY 12577

58-1-3
Susan & Dederick Kieck, Jr.
283 Lake Road
Salisbury Mills, NY 12577

58-1-4
Paul & Mary Ann Messina
279 Lake Road
Salisbury Mills, NY 12577

58-1-6
Tamara Scapicchio
Michael Rury
271 Lake Road
Salisbury Mills, NY 12577

58-1-7
Michael & Tracy McGuinness
267 Lake Road
Salisbury Mills, NY 12577

58-1-8
Lawrence & Kathleen Rossini
319 Hickory Avenue
New Windsor, NY 12553

58-1-9
Michael & Lisa Hall
2 Mecca Drive
Salisbury Mills, NY 12577

58-1-10
Warwick Savings Bank
c/o Mortgage Servicing / Mrs. Gorish
P.O. Box 591
Warwick, NY 10990

58-1-11
Michael & Joy Morgese
6 Mecca Drive
Salisbury Mills, NY 12577

58-1-12
Mark Lavinski
8 Mecca Drive
Salisbury Mills, NY 12577

58-1-13
Michael Kennedy
Jeanette Coll-Kennedy
10 Mecca Drive
Salisbury Mills, NY 12577

58-1-14
Michael Salony
12 Mecca Drive
Salisbury Mills, NY 12577

58-1-15
Charles McPherson
14 Mecca Drive
Salisbury Mills, NY 12577

58-1-16.1
Keith & Glenda Chipperfield
13 Mecca Drive
Salisbury Mills, NY 12577

58-1-16.2
Stephen & Karen Spellman
15 Mecca Drive
Salisbury Mills, NY 12577

58-1-16.3
Vincent Gatto
11 Mecca Drive
Salisbury Mills, NY 12577

58-1-25
Timothy & Karen Sheehan
9 Mecca Drive
Salisbury Mills, NY 12577

58-1-26
Bruce & Mary Ostrander
17 Mecca Drive
Salisbury Mills, NY 12577

58-1-27
Scott & Kerri Ann Davies
18 Mecca Drive
Salisbury Mills, NY 12577

58-1-28
Joseph & Cynthia Jordan
16 Mecca Drive
Salisbury Mills, NY 12577

58-2-1
James & Katherine Kelly
302 Lake Road
Salisbury Mills, NY 12577

58-2-2
Raymond Melnik
Marsha Mandel
298 Lake Road
Salisbury Mills, NY 12577

58-2-3.1
Frank Diaz
290 Lake Road
Salisbury Mills, NY 12577

58-2-3.2
Patrick & Christine Monroe
294 Lake Road
Salisbury Mills, NY 12577

58-2-4
Timothy O'Leary
286 Lake Road
Salisbury Mills, NY 12577

58-2-6
Dawn Ann Dubois
Kevin Cunningham
1 Beaver Brook Road
New Windsor, NY 12553

58-2-7
Tommy & Ethel Kingery
5 Beaver Brook Road
New Windsor, NY 12553

58-2-8
Robert Roe
9 Beaver Brook Road
New Windsor, NY 12553

58-2-9
Tammy Burgos
15 Beaver Brook Road
New Windsor, NY 12553

58-2-10.11 & 10.12
Allen Deyo
21 Beaver Brook Road
New Windsor, NY 12553

58-4-1
Anthony & Susan Hilinski
2 Beaver Brook Road
New Windsor, NY 12553

58-4-2
Carol Fox
30 Surry Lane
Plainview, NY 11803

58-4-5.1
Robin & James Rashford, III
10 Beaver Brook Road
New Windsor, NY 12553

58-4-5.2
Daniel & Eileen Schug
14 Beaver Brook Road
New Windsor, NY 12553

58-6-1.2
Alexander & Natalie Bar
P.O. Box 239
Cornwall, NY 12518

58-6-6.1
William & Doreen Diemer
5 Mecca Drive
Salisbury Mills, NY 12577

58-6-7
Scott & Robin Widell
1 Alphonsa Court
Salisbury Mills, NY 12577

58-6-8.2
Rudolph & Barbara LaMarr
7 Alphonsa Court
Salisbury Mills, NY 12577

58-7-6
Alexis Smyrychynski
10 Alphonsa Court
Salisbury Mills, NY 12577

58-7-7
Barbara Biglin
6 Alphonsa Court
Salisbury Mills, NY 12577

58-7-8
Kenneth & Madeline Brooks
19 Mecca Drive
Salisbury Mills, NY 12577



RESULTS OF Z.B.A. MEETING OF: April 5, 2005

PROJECT: Catherine Peraino ZBA # 05-20
P.B.# _____

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M)_____S)_____ VOTE: A____N____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) MC S) L VOTE: A 5 N 0

GANN	A
LOCEY	A
REIS	
MCDONALD	A
REIS	A
KANE	A

CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

GANN
LOCEY
RIVERA
MC DONALD
REIS
KANE

CARRIED: Y_____N_____.

[illegible]

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 04-18-2005

FOR: **ESCROW 05-20**

FROM:

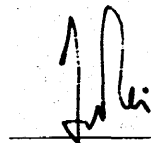
Catherine Peraino
275 Lake Road
Salisbury Mills, NY 12577

CHECK NUMBER: **2218**

TELEPHONE: **496-3396**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

4/19/05
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#346-2005

04/19/2005

Peraino, Catherine

Received \$ 50.00 for Zoning Board Fees, on 04/19/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA #06-20 application fee



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

April 29, 2005

Catherine Peraino
275 Lake Road
Salisbury Mills, NY 12577

SUBJECT: REQUEST FOR VARIANCE #05-20

Dear Ms. Peraino:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

275 Lake Road
Salisbury Mills, NY 12577

is scheduled for the May 23, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

April 18, 2005

Catherine Peraino
275 Lake Road
Salisbury Mills, NY 12577

SUBJECT: REQUEST FOR VARIANCE #05-20

Dear Ms. Peraino:

This letter is to inform you that you have been placed on the April 25th, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

275 Lake Road
Salisbury Mills, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

_____ Application Type: Use Variance ☐ Area Variance ☐
Date Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 496-3396
Catherine Perraine Fax Number: ()
(Name)
275 Lake Road Salisbury Mills, N.Y. 12577
(Address)

II. **Applicant:** Phone Number: (845) 496-3396
Catherine Perraine Fax Number: ()
(Name)
275 Lake Road Salisbury Mills, N.Y. 12577
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
(Name)
(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 275 LAKE ROAD
Lot Size: 100' x 150' Tax Map Number: Section 58 Block 1 Lot 5
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? _____
c. When was property purchased by present owner? DEC, 1965
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? YES
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	40'	23'	17'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The existing property and structure requiring the ZBA variance has existed for 33 years. As such, no detriment to the health, safety and welfare of the neighborhood or nearby properties has existed or been created. The requested area variance is not substantial nor has brought adverse effects or impact on the physical or environmental conditions in the neighborhood. Because of the length of time involved it is unclear as to the cause of the difficulty. Further, denial of the variance would result in costly circumstances and great hardship to bring property into compliance of current requirements. The variance should therefore be granted.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
 - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT ~~THREE (3)~~ SETS OF FOUR (4) THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

31 day of March 2005.

Lucy Spragg
Signature and Stamp of Notary

Notary Public, State of New York
Qualified in Orange County
Registration No. 015508155001
Commission Expires July 7, 2007

Catherine P. Perrains
Owner's Signature (Notarized)

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

★

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted).

Catherine Perrino 4/13/05
SIGNATURE DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE ☐